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Attorney for **RAKESH VIJ**

UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF CALIFORNIA

In re
GAVIN GREGORY MEHL

Debtor,

Bankruptcy Case No. 19-26296

DC No. CPG-001

**DECLARATION OF RAKESH VIJ IN
SUPPORT OF MOTION FOR RELIEF
FROM STAY BY RAKESH VIJ**

Local Rule 9014-1 (f) (2)

Date: October 22, 2019

Time: 1:30 p.m.

Courtroom: 33

Dept.: C

I, Rakesh Vij, declare as follows:

1. I am an individual over the age of eighteen years and have personal knowledge of and would be competent to testify to the facts stated herein.
2. On March 12, 2019, I purchased the property commonly known as 890 WEDGEWOOD COURT, WEST SACRAMENTO, CA 95605, YOLO COUNTY; APN 014-730-013 (hereinafter Subject Property) at foreclosure sale. I paid the sum of \$685,000.00 in certified funds for the purchase of the Subject Property. A Trustee's Deed was issued to me on March 20,

1 2019 and was recorded in the official records of Yolo County on March 25, 2019. (a true
2 certified copy of the Trustee's Deed is filed herewith as **Exhibit 1**).

3 3. On April 29, 2019, following expiration of a notice to quit, I directed the commencement
4 of an unlawful detainer action against Gavin Mehl the former owner of the Subject Property and
5 a Casey Constantine, a tenant of the former owner. The unlawful detainer action is entitled
6 Rakesh Vij v Gavin Mehl, et al, Yolo County Superior Court action UD19-879.

7
8 4. I directed the commencement of the unlawful detainer action to obtain possession of the
9 Subject Property. The Subject Property is a single-family residence. According to tax records,
10 the Subject Property is a 6 bedroom, 3.5 bathrooms with a square footage of 3547. Based upon
11 my research of comparable properties, the Subject Property has a fair market rental value of
12 \$133.33 per day.
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14 5. I reached a resolution of the unlawful detainer action as against one of the defendants in
15 the eviction action, Casey Constantine, who has vacated the Subject Property. On June 3, 2019 a
16 purported Donovan Constantine filed a claim of right to possession and answer in the unlawful
17 detainer action. Thereafter, a bankruptcy petition was purportedly filed by Donovan Constantine,
18 Eastern District of California Bankruptcy #19-23900. Casey Constantine provided a declaration
19 concerning the claim of possession of Donovan Constantine, which was filed in the unlawful
20 detainer action and which makes it clear that there is no person named Donovan Constantine that
21 occupied the property and that the claim of possession filing was fraudulent. Similarly, the prior
22 bankruptcy petition of Donovan Constantine, Eastern District of California Bankruptcy #19-
23 23900 was a fraudulent filing and was filed in the name of a fabricated person with the intent to
24 delay the unlawful detainer action.
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1 6. The bankruptcy filing as to Donovan Constantine Eastern District of California
2 Bankruptcy #19-23900 was filed on June 20, 2019, one day before a scheduled eviction trial,
3 resulting in delay of the trial while I sought and obtained, through counsel, relief from stay in
4 that case.

5 7. Similarly, Debtor herein, GAVIN MEHL filed his petition in the above entitled
6 Bankruptcy action one day before a scheduled Motion for Summary Judgment scheduled in the
7 same eviction action, (and one week before the scheduled trial) with the clear intent to further
8 delay the eviction action.
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10 8. Debtor herein, GAVIN MEHL has also filed two removals of the eviction action, Eastern
11 District Case #s 2:19-cv-01686 and 2:19-cv-01003 to delay the eviction action.
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13 I declare under penalty of perjury under the laws of the State of California that the
14 foregoing is true and correct. As to those matters stated upon information and belief, I am
15 informed and believe them to be true and correct. Executed October 8, 2019 at Fair Oaks,
16 California.

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18 _____
19 Rakesh Vij
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